

02/22/02
10657 U.S. PTO

Att'y Dkt. No. 082380-00487

☐ DESIGN ☒ UTILITY PATENT

A
10657 U.S. PTO
10/081420
02/22/02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Box PATENT APPLICATION
Commissioner for Patents
Washington, D.C. 20231

NEW APPLICATION TRANSMITTAL

Transmitted herewith for filing is the patent application of

Inventor(s): Martin Roy Piel and John H. Walgren

WARNING: 37 C.F.R. § 1.41(a)(1) points out:

"(a) A patent is applied for in the name or names of all of the actual inventor(s).

"(1) The inventorship of a nonprovisional application is that inventorship set forth in the oath or declaration as prescribed by § 1.63, except as provided for in § 1.53(d)(4) and § 1.63(d). If an oath or declaration as prescribed by § 1.63 is not filed during the pendency of a nonprovisional application, the inventorship is that inventorship set forth in the application papers filed pursuant to § 1.53(b), unless a petition under this paragraph accompanied by the fee set forth in § 1.17(i) is filed supplying or changing the name or names of the inventor or inventors."

For (title): CUTTING CHAIN

1. Type of Application

This new application is for a(n) (check one applicable item below):

- ☒ Original (nonprovisional)
- ☐ Design
- ☐ Plant

WARNING: Do not use this transmittal for a completion in the U.S. of an International Application under 35 U.S.C. 371(c)(4) unless the International Application is being filed as a divisional, continuation or continuation-in-part application.

NOTE: If one of the following 3 items apply, then complete and attach ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF A PRIOR U.S. APPLICATION CLAIMED and a NOTIFICATION IN PARENT APPLICATION OF THE FILING OF THIS CONTINUATION APPLICATION.

- ☐ Divisional.
- ☐ Continuation.
- ☐ Continuation-in-part (C-I-P).

CERTIFICATION UNDER 37 CFR 1.10

EXPRESS MAIL NO. EL452666926US

DATE OF DEPOSIT February 22, 2002

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to Box Patent Application, Commissioner for Patents, Washington, D.C. 20231.

Theresa D. Roche
Name of Depositor

Theresa D. Roche
Signature

February 22, 2002
Date

2. Benefit of Prior U.S. Application(s) (35 U.S.C. 120)

NOTE: If the new application being transmitted is a divisional, continuation or a continuation-in-part of a parent case, or where the parent case is an International Application which designated the U.S., then check the following item and complete and attach ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED.

- ☒ The new application being transmitted claims the benefit of prior U.S. application(s) and enclosed are APPLICATION DATA SHEET FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED.

3. Papers Enclosed Which Are Required For Filing Date Under 37 CFR 1.53(b) (Regular) or 37 CFR 1.153 (Design) Application

15 Pages of specification
8 Pages of claims
1 Page of Abstract
8 Sheets of drawing

- ☐ formal
☒ informal

WARNING: DO NOT submit original drawings. A high quality copy of the drawings should be supplied when filing a patent application. The drawings that are submitted to the Office must be on strong, white, smooth, and non-shiny paper and meet the standards according to § 1.84. If corrections to the drawings are necessary, they should be made to the original drawing and a high-quality copy of the corrected original drawing then submitted to the Office. Only one copy is required or desired. Comments on proposed new 37 C.F.R. 1.84. Notice of March 9, 1988 (1990 O.G. 57-62).

NOTE: "Identifying indicia, if provided, should include the application number or the title of the invention, inventor's name, docket number (if any), and the name and telephone number of a person to call if the Office is unable to match the drawings to the proper application. This information should be placed on the back of each sheet of drawing a minimum distance of 1.5 cm. (5/8 inch) down from the top of the page." 37 C.F.R. 1.84(c).

(complete the following, if applicable)

- ☐ The enclosed drawing(s) are photograph(s). Three (3) sets of photographs and a "PETITION TO ACCEPT PHOTOGRAPH(S) AS DRAWING(S)." 37 C.F.R. §§ 1.84(a)(2) and 1.84(b).
- ☐ The enclosed drawing(s) are in color. Three (3) sets of color drawings and a "PETITION TO ACCEPT COLOR DRAWINGS(S)" are attached. 37 C.F.R. §§ 1.84(a)(2) and 1.84(b).
- ☐ formal
- ☐ informal

4. Additional papers enclosed

- ☐ Preliminary Amendment
- ☒ Information Disclosure Statement (37 CFR 1.98)
- ☒ Form PTO/SB/08A (Substitute for form 1449A/PTO) and 16 cited references
- ☐ Citations
- ☐ Declaration of Biological Deposit
- ☐ Submission of "Sequence Listing," computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.
- ☐ Authorization of Attorney(s) to Accept and Follow Instructions from Representative
- ☐ Special Comments
- ☒ Pre-addressed postcard
- ☐ Power of Attorney by Assignee of Entire Interest and Certificate of Assignee under 37 C.F.R. 3.73(b)
- ☒ Application Data Sheet
- ☒ Nonpublication Request Under 35 U.S.C. 122(b)(2)(B)(i)

5. Declaration or oath

- ☐ Enclosed
executed by (*check all applicable boxes*)
 - ☐ inventor(s).
 - ☐ legal representative of inventor(s). 37 CFR 1.42 or 1.43
 - ☐ joint inventor or person showing a proprietary interest on behalf of inventor who refused to sign or cannot be reached.
 - ☐ this is the petition required by 37 CFR 1.47 and the statement required by 37 CFR 1.47 is also attached. *See item 13 below for fee.*
- ☒ Not Enclosed

WARNING: *Where the filing is a completion in the U.S. of an International Application, but where a declaration is not available or where the completion of the U.S. application contains subject matter in addition to the International Application, the application may be treated as a continuation or continuation-in-part, as the case may be, utilizing ADDED PAGE FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION CLAIMED.*

- ☒ Application is made by a person authorized under 37 CFR 1.41(c) on behalf of *all the above-named inventor(s)*. (The declaration or oath, along with the surcharge required by 37 CFR 1.16(e), can be filed subsequently.)

NOTE: *It is important that all the correct inventor(s) are named for filing under 37 CFR 1.41(c) and 1.53(b).*

6. Inventorship Statement

WARNING: If the named inventors are each not the inventors of all the claims, an explanation, including the ownership of the various claims at the time the last claimed inventors was made, should be submitted.

The inventorship for all the claims in this application is:

- ☒ the same
or
☐ not the same. An explanation, including the ownership of the various claims at the time the last claimed invention was made,
☐ is submitted.
☐ will be submitted.

7. Assignment

- ☒ An assignment of the invention to The Charles Machine Works, Inc.
☐ is attached.
☐ A separate "COVER SHEET FOR ASSIGNMENT (DOCUMENT) ACCOMPANYING NEW PATENT APPLICATION" or
☐ FORM PTO 1595 is also attached.
☒ was filed and recorded on February 23, 2001 at
Reel No. 011597 Frame No. 0445.

8. Fee Calculation (37 CFR 1.16)

A. ☒ Regular application

CLAIMS AS FILED					
	Number Filed		Number Extra	Rate	Basic Fee (37 CFR 1.16 (a)) \$ 740.00
Total Claims (37 CFR 1.16(c))	46	- 20=	26x	\$ 18.00	=\$468.00
Independent Claims (37 CFR 1.16(b))	6	- 3=	3x	\$ 84.00	=\$252.00
Multiple Dependent Claims, if any (37 CFR 1.16(d))			0x	\$280.00	=\$0.00

- ☐ Amendment canceling extra claims enclosed.
☐ Amendment deleting multiple-dependencies enclosed.
☐ Fee for extra claims is not being paid at this time.

NOTE: If the fees for extra claims are not paid on filing they must be paid or the claims canceled by amendment, prior to the expiration of the time period set for response by the Patent and Trademark Office in any notice of fee deficiency. 37 CFR 1.16(d).

Filing Fee Calculation

\$ 1,460.00

B. ☐ Design application
 (\$310.00--37 CFR 1.16(f))
 Filing Fee Calculation \$ _____

C. ☐ Plant application
 (\$480.00--37 CFR 1.16(g))
 Filing Fee Calculation \$ _____

9. Small Entity Statement(s)

☐ Verified Statement(s) that this is a filing by a small entity under 37 CFR 1.27.

Filing Fee Calculation (50% of A, B, or C above) \$ _____

NOTE: Any excess of the full fee paid will be refunded if a verified statement and a refund request are filed within 2 months of the date of timely payment of a full fee. 37 CFR 1.28(a).

10. Fee Payment Being Made At This Time

☐ Not Enclosed

☐ No filing fee is to be paid at this time. *(This and the surcharge required by 37 CFR 1.16(e) can be paid subsequently.)*

☒ Enclosed

☒ basic filing fee \$740.00 _____

☐ recording assignment
 (\$40.00; 37 CFR 1.21(h)) (See attached "COVER SHEET FOR ASSIGNMENT ACCOMPANYING NEW APPLICATION.") \$ _____

☐ petition fee for filing by other than all the inventors or person on behalf of the inventor where inventor refused to sign or cannot be reached. (\$130.00; 37 CFR 1.47 and 1.17(h)) \$ _____

☐ for processing an application with a specification in a non-English language.
 (\$130.00; 37 CFR 1.52(d) and 1.17(k)) \$ _____

☐ processing and retention fee
 (\$130.00; 37 CFR 1.53(d) and 1.21(l))

☐ fee for international-type search report
 (\$40.00; 37 CFR 1.21(e)) \$ _____

NOTE: 37 CFR 1.21(l) establishes a fee for processing and retaining any application which is abandoned for failing to complete the application pursuant to 37 CFR 1.53(f) and this, as well as the changes to 37 CFR 1.53 and 1.78(a)(1), indicate that in order to obtain the benefit of a prior U.S. application, either the basic filing fee must be paid or the processing and retention fee of § 1.21(l) must be paid within 1 year from notification under § 53(f).

Total fees enclosed \$1,460.00 _____

11. Method of Payment of Fees

- ☐ Check in the amount of \$ _____
- ☒ Charge Account No. 13-2493 in the amount of \$1,460.00. A duplicate of this transmittal is attached.

NOTE: Fees should be itemized in such a manner that it is clear for which purpose the fees are paid. 37 CFR 1.22(b).

12. Authorization to Charge Additional Fees

WARNING: *If no fees are to be paid on filing the following items should not be completed.*

WARNING: *Accurately count claims, especially multiple dependent claims, to avoid unexpected high charges, if extra claim charges are authorized.*

- ☒ The Commissioner is hereby authorized to charge the following additional fees by this paper and during the entire pendency of this application to Account No. 13-2493.
- ☒ 37 CFR 1.16(a), (f) or (g) (filing fees)
- ☒ 37 CFR 1.16(b), (c) and (d) (presentation of extra claims)

NOTE: Because additional fees for excess or multiple dependent claims not paid on filing or on later presentation must only be paid or these claims canceled by amendment prior to the expiration of the time period set for response by the PTO in any notice of fee deficiency (37 CFR 1.16(d)), it might be best not to authorize the PTO to charge additional claim fees, except possibly when dealing with amendments after final action.

- ☒ 37 CFR 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)
- ☒ 37 CFR 1.17 (application processing fees)

WARNING: *While 37 C.F.R. 1.17(a), (b), (c) and (d) deal with extensions of time under § 1.136(a), this authorization should be made only with the knowledge that: "Submission of the appropriate extension fee under 37 C.F.R. 1.136(a) is to no avail unless a request or petition for extension is filed." (Emphasis added.) Notice of November 5, 1985 (1060 O.G. 27).*

- ☐ 37 CFR 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 CFR 1.311(b))

NOTE: Where an authorization to charge the issue fee to a deposit account has been filed before the mailing of a Notice of Allowance, the issue fee will be automatically charged to the deposit account at the time of mailing the Notice of Allowance. 37 CFR 1.311(b).

NOTE: 37 CFR 1.28(b) requires "Notification of any change in loss of entitlement to small entity status must be filed in the application . . . prior to paying, or at the time of paying, . . . issue fee." From the wording of 37 CFR 1.28(b): (a) notification of change of status must be made even if the fee is paid as "other than a small entity" and (b) no notification is required if the change is to another small entity.

13. Instructions As To Overpayment

- ☒ Credit Account No. 13-2493
☐ Refund

☒ **Incorporation by reference of added pages**

(Check the following item if the application in this transmittal claims the benefit of prior U.S. application(s) (including an international application entering the U.S. stage as a continuation, divisional or C-I-P application) and complete and attach the APPLICATION DATA SHEET FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OR PRIOR U.S. APPLICATION(S) CLAIMED)

- ☒ Plus Application Data Sheet For New Application Transmittal Where Benefit Of Prior U.S. Application(s) Claimed

Number of pages added 5

- ☐ Plus Added Pages For Papers Referred To In Item 4 Above

Number of pages added _____

- ☐ Plus "Assignment Cover Letter Accompanying New Application"

Number of pages added _____

☐ **Statement Where No Further Pages Added**

(If no further pages form a part of this Transmittal, then end this Transmittal with this page and check the following item:)

- ☐ This transmittal ends with this page.

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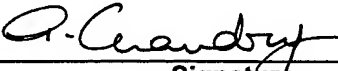
Under the Paperwork Reduction Act of 1995, persons are required to respond to a collection of information unless it displays a valid MB control number.

NONPUBLICATION REQUEST UNDER 35 U.S.C. 122(b)(2)(i)	First Named Inventor	Martin Roy Piel
	Title	CUTTING CHAIN
	Atty. Docket Number	082380-00487

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing.

I hereby request that the attached application not be published under 35 U.S.C. 122(b).

2/22/02
Date


Signature

Aliya N. Chaudry, Esquire
Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application upon filing.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant must notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

Burden Hour Statement: This collection of information is required by 37 CFR 1.213(a). The information is used by the public to request that an application not be published under 35 U.S.C. 122(b) (and the PTO to process that request). Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 6 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.